

### REMARKS

This application has been reviewed in light of the Office Action dated November 18, 2002. Claims 25-31 are pending in this application. Claims 25-27, 29, and 30 have been amended to define more clearly what Applicant regards as his invention. Claims 25 and 29 are in independent form. Favorable reconsideration is requested.

The Office Action rejected Claims 25-28 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,021,892 (Kita et al.) in view of U.S. Patent No. 4,964,154 (Shimotono). The Office Action also rejected Claims 29-31 under 35 U.S.C. § 103(a) as being obvious over Kita et al. in view of Shimotono and U.S. Patent No. 5,243,438 (Anderton et al.). Applicant respectfully traverses these rejections.

Applicant submits that independent Claims 25 and 29, together with the claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 25 is directed to a method of controlling a data communication apparatus in a data processing system that includes the data communication apparatus and a host computer connected to the data communication apparatus by an interface. The method includes a communication step, a checking step, a notification step, and a setting step.

In the communication step, commands from a host computer are communicated to the data communication apparatus through a network. In the checking step, upon the receipt of the commands by the data communication apparatus from the host computer,

the operating conditions of the data communication apparatus are checked. The notification step of the method notifies the host computer of the operating conditions in accordance with the command from the host computer, and the setting step sets in the data communication apparatus one of an on-line mode, to be operated based on a command from the host computer, and an off-line mode, to be operated even without a command from the host computer. In this method, when the data communication apparatus is set in the on-line mode in the setting step, the commands from the host computer take precedence over commands from other sources

Important features of Claim 25 are the step of checking, upon the receipt of the commands by the data communication apparatus from the host computer, the operating conditions of the data communication apparatus, and when the data communication apparatus is set in the on-line mode in the setting step, the commands from the host computer take precedence over commands from other sources. Applicant notes that support in the specification for these features can be found at least from page 8, line 11 to page 10, line 11, and more specifically for the checking step, at least at page 9, line 7-12, and for the command process, at least at page 9, lines 14-17.

Kita et al., as understood by Applicant, relates to an image processing device for controlling data transfer. Shimotono, as understood by Applicant, relates to a communication adapter device for use in a facsimile device combined with a computer. Applicant submits that nothing has been found in Kita et al. or Shimotono, when taken separately or in any proper combination, that would teach or suggest the step of checking the operating conditions of the data communication apparatus upon the receipt of the commands from the host computer, and a

command process that allows the commands from the host computer to take precedence over commands from other sources when the data communication apparatus is set in the on-line mode, as recited in Claim 25.

Accordingly, Applicant submits that at least for these reasons, Claim 25 is patentable over the combination of the cited prior art and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

The aspect of the present invention set forth in Claim 29 is directed to a method of controlling a data processing apparatus in a data processing system that includes the data processing apparatus and a host computer connected to the host computer through an interface. The data processing apparatus is able to communicate with another device through a network without using the interface.

The method includes a command reception step, a determination step, and a notification step. In the command reception step, the data processing apparatus receives a command from the host computer through the interface. In the determination step, the type of command received in the command reception step is determined, and in the notification step, the data processing apparatus notifies the host computer of information in accordance with the command received in the command reception step through the interface. The information may comprise the model type, model version of the data processing apparatus, or cause of a network abnormality.

Important features of Claim 29 include the step of determining the type of command received in the command reception step and notifying the host computer of

information based on the command received, where the type of information may comprise the model type, model version of the data processing apparatus, or cause of a network abnormality. Support in the specification for these features can be found at least at page 11, lines 2 to 19.

Kita et al., as stated above and as understood by Applicant, relates to an image processing device for controlling data transfer. Shimotono, as stated above and as understood by Applicant, relates to a communication adapter device for use in a facsimile device combined with a computer. Anderson et al., as understood by Applicant, relates to a transmission arrangement which facilitates compression of modem modulated facsimile signals for transmission on digital facilities. Applicant submits that nothing has been found in Kita et al., Shimotono or Anderson et al., when taken separately or in any proper combination, that would teach or suggest the step of determining the type of command received in the command reception step and notifying the host computer of information based on the command received, where the type of information may comprise the model type, model version of the data processing apparatus, or cause of a network abnormality, as recited in Claim 29.

Accordingly, Applicant submits that at least for these reasons, Claim 29 is patentable over the combination of the cited prior art and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

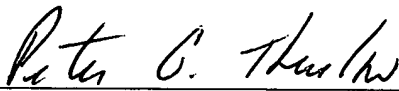
The other rejected claims in this application depend from Claim 25 or Claim 29 discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully

requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

  
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VERSION WITH MARKINGS SHOWING CHANGES MADE TO CLAIMS as of 2/13/03

25. (Currently amended) A method of controlling a data communication apparatus in a data processing system that includes the data communication apparatus and a host computer connected to the data communication apparatus by an interface, said method comprising:

a communication step of communicating [protocol information and document] [information with a communication partner] commands from the host computer to the data communication apparatus through a network[, but without going through the interface];

a checking step of checking, upon the receipt of the commands by the data communication apparatus from the host computer, operating conditions of the data communication apparatus;

a notification step of notifying[, through the interface,] the host computer of [information regarding an ability of the communication partner based on the protocol information received in said communication step] the operating conditions in accordance with the command from the host computer; and

a setting step of setting in the data communication apparatus one of an on-line mode, to be operated based on a command from the host computer, and an off-line mode, to be operated even without a command from the host computer,

wherein [said notification step notifies the host computer of the information in a case where the on-line mode is set in said setting step] when the data communication apparatus is set in the on-line mode in said setting step, the commands from the host computer take

precedence over commands from other sources.

26. (Currently amended) [A] The method according to Claim 25, wherein said notification step notifies the host computer of [ID information and ability information of the communication partner] operating conditions comprising a change in status or internal state of the data communication apparatus.

27. (Currently amended) [A] The method according to Claim 25, wherein said notification step notifies the host computer of the [information regarding the communication partner] operating conditions in accordance with a command from the host computer.

29. (Currently amended) A method of controlling a data processing apparatus in a data processing system that includes the data processing apparatus and a host computer, the data processing apparatus and the host computer being connected to each other through an interface, and the data processing apparatus being able to communicate with another device through a network without using the interface, said method comprising:

[an instruction] a command reception step of receiving [an instruction] by the data processing apparatus, a command from the host computer through the interface; [and]  
a determination step of determining the type of command received in said  
command reception step, and  
a notification step of notifying the host computer of information [about a model type and a model version of the data processing apparatus] in accordance with the [instruction] command received in said [instruction] command reception step through the interface,  
wherein the information comprises model type, model version of the data processing apparatus, and cause of a network abnormality.

30. (Currently amended) [A] The method according to Claim 29, wherein said notification step notifies the host computer of the model type and the model version in one set.